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MEMO

FROM: LEONARD BOUDIN

TO: DANIEL ELLSBERG
LEONARD I. WEINGLASS, ESQ.
STANLEY K. SHEINBAUM
CHARLES R. NESSON, ESQ.

1. Charles Nesson and I asked Dave Rein to go over the wiretapping complaint, revise, file it and serve interrogatories. Since he is ECLC Washington counsel, it will pay his fees in an amount I've agreed on. Can I take it that this is agreeable?

2. I think that we should mandamus Byrne if we don't get a new jury. I'm working on that.

3. The Nurenberg issue obviously needs more development. I'll be doing a memo on this and will also follow through with Falk.

4. Should we not file an amicus brief in the L.A. Free Press (Kunkel) case?

5. Perhaps, to keep our record going, L.W. should write the trial judge to advise him of the many open matters that we would like him to decide, pointing out that

- (a) Douglas stayed the trial, not pretrial proceedings;
- (b) we will be prejudiced if his decisions are delayed until shortly before the resumption of the trial;
- (c) we know of no reason why we should not be given as much notice as possible as to his rulings in order to prepare for trial;

- (d) it is possible that with respect to matters now pending or motions to be filed we might wish to seek intermediate relief from the Court of Appeals. An early decision on these matters would give us this opportunity without delaying the trial